

03/07/05

Fee: \_\_\_\_\_

Insurance Cert.: \_\_\_\_\_

**CITY of BURLINGTON DEPARTMENT of PUBLIC WORKS  
PERMIT TO ALLOW OUTDOOR SEATING WITHIN THE PUBLIC RIGHT-OF-WAY**

824 Milwaukee Ave. • Burlington, Wisconsin 53105 • Phone 262-763-2060 • FAX 262-763-5492

[www.burlington-wi.gov](http://www.burlington-wi.gov)

Date of Application: \_\_\_\_\_

Permit No. \_\_\_\_\_

FEE: \$25.00

Permit Approved Date: \_\_\_\_\_

Permit Expiration Date: October 31, 200 \_\_\_\_\_

**• OUTDOOR SEATING ALLOWED MARCH 1<sup>ST</sup> THROUGH OCT. 31<sup>ST</sup>, 6:00 A.M. TO 9:00 P.M., ONLY**

**• CERTIFICATE OF INSURANCE MUST BE PROVIDED, BY THE PROPERTY OWNER, WHICH SPECIFICALLY DELINEATES LIABILITY COVERAGE EXTENDING OFF PRIVATE PROPERTY, INTO THE PUBLIC RIGHT-OF-WAY, AND SPECIFICALLY LISTS THE CITY OF BURLINGTON AS AN ADDITIONAL INSURED.**

**• ALL ADA (AMERICANS WITH DISABILITIES ACT) REQUIREMENTS MUST BE ADHERED TO, WITH A MINIMUM OF 42" CLEARANCE FOR PASSAGE IN SIDEWALK AREAS.**

Owner's name	Mailing Address	City	State	Zip
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Telephone No.	Fax No.	E-mail address
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for the purpose of OUTDOOR SEATING IN THE RIGHT-OF-WAY

adjacent to: \_\_\_\_\_

Property Address

Describe furniture to be used: \_\_\_\_\_

Provide a sketch of the parcel, including building lines, parcel size, sidewalk width (from face of building to back of curb), proposed furniture, all street amenities adjacent to the lot (i.e., street lights, bollards, benches, mailboxes, fire hydrants, flower pots, trash cans, etc.) All dimensions and locations must be noted.

Please use a separate sheet, if necessary.

**Permit No.** **Continued****REGULATIONS AND SPECIAL CONDITIONS FOR PERMIT TO ALLOW OUTDOOR SEATING WITHIN THE PUBLIC RIGHT-OF-WAY**

1. Outdoor seating will be permitted on City sidewalks in the B-2 and B-2A Zoning Districts, i.e. the downtown and primarily the Historic Preservation Overlay District. Seating may be allowed on any façade facing a public right-of-way with the exception of an alleyway.
2. Any open and operating first floor commercial businesses or professional office will be permitted to have seating on the public sidewalk outside of their business. No “stretching” or extending over to a neighboring property’s frontage is permitted, even if the business obtains permission to do so.
3. No open intoxicants will be permitted on any public sidewalk or right-of-way including area where outdoor seating is permissible.
4. Seating is only allowed where sidewalk width can accommodate standard widths for seating and pedestrian accessibility. ADA standards should be applied to determine pedestrian accessibility.
5. A right-of-way permit will be required in order to verify that minimum sidewalk widths are available. The applicable fee shall be in an amount as set by the Common Council. Resolution No. 3886(92), adopted on Feb. 16, 2005 set the fee at \$25.00.
6. Only the following outdoor seating items shall be permitted to be placed on the public sidewalk in compliance with these other requirements: tables, chairs or other furniture or trash receptacles. No umbrellas are permitted. No candles or other artificial lighting, no condiments and no accessories of any kind shall remain on any table or other furniture unless that table or furniture is occupied. *Other furniture* is defined as furniture designed for or modified to withstand the elements and is intended for outdoor seating use.
7. No tables, chairs or other furniture or trash receptacles can be anchored in any manner to the public property.
8. All tables, chairs or other furniture, and trash receptacles must be brought in at the end of each business day, or no later than 9:00 p.m, whichever is sooner, or the same is subject to removal by the City.
9. All outdoor seating areas must provide a trash receptacle to be emptied or removed by the permitted business when full, or daily. Trash receptacles must be covered to prevent the wind from spreading trash around.
10. All tables, chairs or other furniture or trash receptacles placed on the public sidewalk must be maintained in good working order and safe condition.
11. No tables, chairs or other furniture or trash receptacles can be placed outside during the regular snow season, i.e. November 1<sup>st</sup> through February 28<sup>th</sup> annually, or any other non-regular snow season days.
12. Serving of food and/or non-alcoholic beverages will be permitted for these sidewalk-seating areas.
13. Doorways may not be blocked by any placement of the tables, chairs or other furniture or trash receptacles placed on the public sidewalk.
14. It is the responsibility of the business owner to regularly check on the placement of tables, chairs or other furniture or trash receptacles placed on the public sidewalk to comply with these requirements.
15. The placement of any item on the public sidewalk that is not in compliance with these regulations is subject to removal by the City, or it’s designee, without warning. Items removed by the City shall be disposed of without compensation provided to the owner of said items. If the City removes non-compliant items from any property, notice shall be provided to the business owner or business manager with a warning that if the City, due to noncompliance with these requirements, must remove any tables, chairs or other furniture or trash receptacles from this property within a twelve month period following the date of this notice, then the required right-of-way permit shall be revoked for a period of twelve months.
16. This use is only permitted between the hours of 6:00 A.M. until 9:00 P.M.

Special Conditions: \_\_\_\_\_

Acceptance of this permit implies that the Owner agrees that the occupation of the right-of-way covered by this permit shall be performed in strict accordance with all the above regulations and the provisions of Section 274 of the Municipal Code. Applicant also agrees to any special conditions listed hereon, and agrees to keep and save the City free and harmless from any damages or claims against it by reason of any failure, fault or neglect of the applicant, the applicant’s agent, servants or employees in the execution of the work or exercise of the privilege for which such permit is granted.

**ACCEPTANCE OF REGULATIONS AND/OR SPECIAL CONDITIONS FOR RIGHT-OF-WAY PERMIT**

Receipt of the above regulations and/or special conditions for right-of-way permit is hereby accepted by:

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**PERMIT APPROVED:** \_\_\_\_\_

City of Burlington Dept. of Public Works

cc: Applicant, DPW, Police Dept.